

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 03-1206

United States of America,

Appellee,

v.

Jorge Alvarez Fuentes, also known as
Alejandro Alvavit Gomes,

Appellant.

*
*
*
* Appeal from the United States
* District Court for the
* District of Minnesota.
* [UNPUBLISHED]
*
*
*

Submitted: October 15, 2003

Filed: October 21, 2003

Before WOLLMAN, FAGG, and MORRIS SHEPPARD ARNOLD, Circuit Judges.

PER CURIAM.

After Jorge Alvarez Fuentes (Fuentes) pleaded guilty to possession with intent to distribute in excess of 500 grams of cocaine, in violation of 21 U.S.C. § 841(a)(1) and (b)(1)(B), the district court¹ sentenced him to 37 months' imprisonment and 3 years' supervised release. He appeals, and we affirm.

¹The Honorable John R. Tunheim, United States District Judge for the District of Minnesota.

For reversal, Fuentes argues that the district court erred in denying him a 2-level minor-role reduction under U.S.S.G. § 3B1.2(b), because he acted merely as a courier in the offense. A minor participant is one who is less culpable than most other participants in the offense, but whose role could not be described as minimal. See U.S.S.G. § 3B1.2(b) & comment. (n.5). The defendant bears the burden of demonstrating that he is entitled to such a reduction, see United States v. Lopez-Arce, 267 F.3d 775, 784 (8th Cir. 2001), and we review for clear error the district court's denial of the reduction, see United States v. White, 241 F.3d 1015, 1024 (8th Cir. 2001).

The district court did not clearly err. The undisputed facts indicate that Fuentes was deeply involved in the offense as both a contact person and a courier, and he was caught with a significant amount of cocaine. See United States v. Alvarez, 235 F.3d 1086, 1090 (8th Cir. 2000), cert. denied, 532 U.S. 1031 (2001); United States v. Thompson, 60 F.3d 514, 518 (8th Cir. 1995).

The judgment is affirmed.
